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APPLICATION NUMBER

FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/772,092

02/04/2004

4204.34-1

CONFIRMATION NO. 2565

## FORMALITIES LETTER



\*OC000000012536978\*

23559

 MUNSCH, HARDT, KOPF & HARR, P.C.  
 INTELLECTUAL PROPERTY DOCKET CLERK  
 1445 ROSS AVENUE, SUITE 4000  
 DALLAS, TX 75202-2790

Date Mailed: 05/05/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/09/2004 MAHME1 00000062 10772092

FILED UNDER 37 CFR 1.53(b)

01 FC:1051

130.00 OP

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 7 & 16.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$450** for a Small Entity

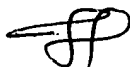
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- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
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Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



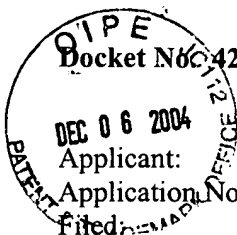
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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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Docket No. 4204.34-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joel Marquart, et al.  
Application No.: 10/772,092  
Filed: February 4, 2004  
For: Method and Apparatus for  
Computer Assistance With  
Total Hip Replacement

Docket No.: 4204.34-1  
Examiner: TBD  
Art Unit: 3737

**RESPONSE TO NOTICE OF MISSING PARTS OF NONPROVISIONAL APPLICATION**

EXPRESS MAIL LABEL NO. **EV568572583US**

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Alexandria, VA 22313-1450

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being sent by the United States Postal Service Express Mail Post Office to Addressee to Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 6, 2004.

Name: MARC HUBBARD

Signature: [Signature]

Dear Sir:

In response to the Notice of Notice of Missing Parts of Nonprovisional Application mailed May 5, 2004, submitted herewith are:

1. Return copy of Notice of Missing Parts of Nonprovisional Application;
2. A Petition for Extension of Time under 37 C.F.R. 1.136(a);
3. A Petition under 37 CFR 1.41(a) and check in the amount of \$130 to cover required fee under 37 C.F.R. 1.17(i);
4. A check in the amount of \$2340 to cover the fee of \$2080 required under 37 C.F.R. 1.17(a), the processing fee required under 37 C.F.R. 1.17(i), and the surcharge fee of \$130 required under 37 C.F.R. 1.16(e); and
5. A return Receipt Postcard.

A continuation application, claiming priority to the above-referenced application, is being filed concurrently herewith pursuant to 37 C.F.R. 1.53(b).

Please retain the referenced application pursuant to 37 C.F.R. 1.53(f). If a required petition for extension of time under 37 C.F.R. §1.136(a) is not included herewith, please treat this paper as a petition for the extension. The Director is hereby authorized to credit any overpayment or charge any additional fees necessitated with this communication to Deposit Account 13-4900.

Respectfully submitted,

Date: 6 Dec 2004

[Signature]  
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